

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CAROLYN S. CLEMENS,)	
)	
Plaintiff,)	8:05cv122
)	
vs.)	ORDER
)	
JOSEPH M. ACIERNO, et al.,)	
)	
Defendants.)	

This matter is before the court on filing no. 8, the defendants' motion to dismiss the complaint. The plaintiff shall file a brief in response to the defendants' motion to dismiss by no later than November 28, 2005. In the absence of a timely responsive brief, this action may be subject, without further notice, to dismissal, without prejudice, as abandoned and for lack of prosecution. See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."

IT IS THEREFORE ORDERED:

1. That by November 28, 2005, the plaintiff shall file a brief in response to the defendants' motion to dismiss; and
2. That in the absence of a timely responsive brief by the plaintiff, this action may be subject, without further notice, to dismissal without prejudice, as abandoned and for lack of prosecution.

DATED this 8th day of November, 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge